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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

RON MOSLEY,

Petitioner,

v.

VINCENT CULLEN, Warden,

Respondent.

**Case No.: CV-10-4907 TEH**

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER TO EXTEND TIME FOR**  
**FILING OF PETITIONER'S**  
**TRAVERSE**

1 Pursuant to Civil Local Rule 6-2, and in accordance with Local Rule 7-12,  
2 Petitioner Ron Mosley and Respondent Vincent Cullen (together, the “Parties”) jointly  
3 submit this stipulation to extend time for Mr. Mosley to file his traverse in response to  
4 Respondent’s Answer.

5 WHEREAS, on November 2, 2010 this Court issued an order for Respondents to  
6 show cause why this Court should not issue a writ of habeas corpus;

7 WHEREAS, pursuant to that order, Respondent filed its answer on January 7, 2011  
8 and Petitioner is currently required to file his traverse responding to that answer on or  
9 before February 7, 2011;

10 WHEREAS, Respondent’s petition for writ of certiorari in *Pirtle v. California Bd.*  
11 *of Prison Terms*, 611 F.3d 1015 (9th Cir. 2010), *petition for cert. filed sub nom. Cate v.*  
12 *Pirtle*, 2010 WL 5497190 (U.S. Dec. 31, 2010) (No. 10-868), which seeks reversal of the  
13 Ninth Circuit’s decision in *Mosley v. Oroski*, Nos. 08-15327 & 08-15389, 2010 WL  
14 4813677 (9th Cir. Nov. 24, 2010), remains pending before the United States Supreme  
15 Court;

16 WHEREAS, there is substantial overlap in the issues presented in that case and the  
17 issues presented in the above-captioned matter;

18 WHEREAS, the Supreme Court recently decided *Swarthout v. Cooke*, No. 10-333,  
19 562 U.S. \_\_\_, 2011 WL 197627 (Jan. 24, 2011), introducing additional legal issues that  
20 Mr. Mosley’s traverse must address;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
22 respective counsel of record, that Petitioner shall file his traverse three weeks from the  
23 date that the Supreme Court renders its decision in *Cate v. Pirtle*.

DATED: January 27, 2011

By: /s/ Alexis J. Loeb

Alexis J. Loeb  
Boies, Schiller & Flexner LLP

*Attorneys for Ron Mosley*

In accordance with General Order No. 45, Rule X-B, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

DATED: January 27, 2011

By: /s/ Amanda J. Murray

Amanda J. Murray  
Deputy Attorney General

*Attorneys for Vincent Cullen*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: January 28, 2011

